

# PPM 310

## CLIENT ASSISTANCE PROGRAM (CAP)

### CONTENTS:

#### *GENERAL REQUIREMENTS*

- 310.01 Purposes of the Client Assistance Program (CAP) (pp.1-2)
- 310.02 Administrative Authority (p.2)
- 310.03 Individuals Eligible for CAP Services (p.2)
- 310.04 Nature and Scope of CAP Services and Benefits (p.3)

#### *VOCATIONAL REHABILITATION PROGRAM OBLIGATIONS WITH RESPECT TO THE CAP*

- 310.05 General Vocational Rehabilitation Program Policy (p.4)
- 310.06 CAP Notification Points (pp.4-5)
- 310.07 Form of the Notification (p.5)
- 310.08 Release of Confidential Information to the CAP (p.5)

#### ***GENERAL REQUIREMENTS***

### **310.01 PURPOSES OF THE CLIENT ASSISTANCE PROGRAM (CAP)**

(1) The purposes of the Client Assistance Program (CAP) are to:

(A) advise and inform applicants and individuals who are eligible regarding all services and benefits available to them through the programs authorized under the Rehabilitation Act of 1973, as amended (29 USC 701, *et seq.*), including the Vocational Rehabilitation Program;

(B) assist and advocate for applicants and individuals who are eligible in their relationships with projects, programs, and community rehabilitation programs providing services under the Act, including the Vocational Rehabilitation Program; and

(C) inform individuals with disabilities in the state, especially individuals with disabilities who have traditionally been unserved or underserved by Vocational Rehabilitation Programs, of the services and

benefits available to them under the Act and under Title I of the Americans with Disabilities Act of 1990, as amended (42 USC 12101-12213).

(2) The CAP provides information and advocacy assistance with respect to services that are directly related to facilitating the employment of the individual.

### **310.02 ADMINISTRATIVE AUTHORITY**

The CAP is administered in Indiana by Indiana Protection and Advocacy Services (IPAS). IPAS is a state government agency, independent of and administratively unrelated to the Vocational Rehabilitation Program, except that, in accordance with federal regulatory requirements:

(1) the CAP director or a designee is included in the membership of the state rehabilitation council (the Commission On Rehabilitation Services); and

(2) the CAP has a consultative and advisory role, either separately or in its capacity as a member of the state rehabilitation council, with regard to—

(A) the content and administration of the State Plan;

(B) the implementation and administration of an order of selection procedure; and

(C) in matters of Vocational Rehabilitation Program policy and procedure.

### **310.03 INDIVIDUALS ELIGIBLE FOR SERVICES AND INFORMATION PROVIDED BY THE CAP**

(1) Any individual with a disability is eligible to receive information from the CAP regarding the services and benefits available to individuals with disabilities under the Rehabilitation Act and Title I of the ADA.

(2) All applicants and individuals eligible for Vocational Rehabilitation Program participation are eligible for the services and benefits described in section 310.04 of this chapter.

**310.04 NATURE AND SCOPE OF CAP SERVICES AND BENEFITS**

The CAP may, as appropriate to the needs of each individual:

(1) advise and inform applicants and eligible individuals, especially individuals with disabilities who have traditionally been unserved or underserved by Vocational Rehabilitation Programs, of—

(A) all services and benefits available to them through programs authorized under the Act (including, but not limited to, the Vocational Rehabilitation Program), and

(B) their rights in connection with those services and benefits;

(2) inform individuals with disabilities in the state, especially individuals with disabilities who have traditionally been unserved or underserved by Vocational Rehabilitation Programs, of the services and benefits available to them under Title I of the ADA;

(3) upon the request of an applicant or eligible individual, assist and advocate on behalf of the applicant or eligible individual in his or her relationship with projects, programs, and community rehabilitation programs that provide services under the Act by engaging in individual or systemic advocacy and pursuing, or assisting and advocating on behalf of an individual to pursue legal, administrative, and other available remedies, if necessary—

(A) to ensure the protection of the rights of an applicant or eligible individual under the Act, and

(B) to facilitate access by individuals with disabilities and individuals with disabilities who are making the transition from public school programs to services funded under the Act; and

(4) provide information to the public concerning the CAP.

**VOCATIONAL REHABILITATION PROGRAM OBLIGATIONS  
WITH REGARD TO THE CAP****310.05 GENERAL VOCATIONAL REHABILITATION PROGRAM  
POLICY**

The Vocational Rehabilitation Program must assure that all program applicants and eligible individuals, or their representatives, are advised regarding the purpose and availability of the Client Assistance Program (CAP), and is required to provide each applicant and eligible individual with information regarding the means by which such individuals or individual's representatives may contact and seek assistance from the CAP.

**310.06 CAP NOTIFICATION POINTS**

Vocational Rehabilitation Counselors must inform each individual and, as applicable, the individual's representative regarding the CAP, the services available through the CAP, and the means by which the CAP can be contacted for assistance:

- (1) at the time of application;
- (2) at the time of each eligible individual's assignment to a priority for services category, if the program is operating under an order of selection;
- (3) during the development of each Individualized Plan for Employment (IPE) and prior to implementation of the plan;
- (4) at any time an individual is determined to be ineligible or no longer eligible for vocational rehabilitation services; and
- (5) at any other time during his or her participation in the Vocational Rehabilitation Program that the individual or the individual's representative requests CAP information or the Counselor determines that referral to the CAP is appropriate.

*[REQUIRED PRACTICE. The requirements of paragraph 310.06(1) are met by presenting a copy of the handbook, The Road To Work to each applicant for vocational rehabilitation services and discussion of the applicable section of the handbook. The subsequent notifications required in paragraphs (2) through (5) are met by reference to*

*the materials previously provided and discussed. Paragraphs (1) through (4) of this section are minimally required by the Act and implementing federal regulations. Paragraph (5) is by agreement between the Vocational Rehabilitation Program and IPAS, as in the spirit of the applicable law and as necessary to assure maximum benefit to the individual.]*

### **310.07 FORM OF THE NOTIFICATION**

Each notification described in section 310.06 of this chapter must be provided, orally and in writing, and in the language, alternative format, or appropriate mode of communication of the informed choice of the individual, and must be documented in the individual's record of services by appropriate case notes.

### **310.08 RELEASE OF CONFIDENTIAL INFORMATION TO THE CAP**

(1) The Vocational Rehabilitation Program requires the prior informed written consent of the program applicant or eligible individual before disclosing confidential information to the CAP. The consent must be in the form of an Indiana Protection and Advocacy Services (IPAS) release, and must be executed in the manner required by IPAS.

(2) The CAP must use the information obtained from the Vocational Rehabilitation Program only for the purposes described in section 310.04 of this chapter.

(3) No copying fee will be required for any pertinent materials requested by the CAP from the record of services of any individual who has requested CAP assistance.

[AUTHORITY: Federal regulations 34 CFR 361.17(b)(iii) and (h); 361.20(d); 361.21; 361.29(c)(2); 361.36(f); 361.43(c); 361.45(c)(2)(iv); 34 CFR 370.]

\* \* \*